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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,875	12/31/1998	RICHARD C. FENWICK JR.	ONCO-003	4405

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[REDACTED] EXAMINER

BROWN, RUEBEN M

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2611

DATE MAILED: 04/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/223,875

Applicant(s)

FENWICK ET AL.  
*WJ*

Examiner

Brown M. Reuben

Art Unit

2611

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply****A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_ .

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) \_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by LaJoie, (U.S. Pat # 5,850,218).

Considering claims 1 & 15, the claimed method of presenting an audiovisual signal to user's display monitor comprising receiving a command from the user, responding to the command by assigning an assignable computing device, (ACD) is broad enough to read on the operation of LaJoie, (Abstract; Fig. 1; col. 10, lines 21-35; col. 14, lines 10-25), which discloses

that a user accesses the Internet, through a computing device. Any particular server computing device, which the user is communicating with reads on being assigned to the user, (col. 17, lines 58-65.

Thus LaJoie inherently establishes a communications link between the monitor and a server, (ACD). The claimed menu is met by the EPG, Fig. 6-Fig. 10. The claimed steps of selecting one of a video program and routing the selected video program to the user's display is met by LaJoie, (col. 7, lines 14-65Fig. 13; Fig. 25).

Considering claims 2-3 & 17-18, the claimed GUI buttons are met by the EPG display, (Fig. 25).

Considering claims 4 & 19, LaJoie teaches demodulating RF signals, (col. 14, lines 11-15).

Considering claims 5 & 20, see col. 14, lines 45-55, RF modulator 61.

Considering claims 6-8 & 21-23, see Fig. 25 & Fig. 28; col. 22, lines 35-45; col. 27, lines 35-60.

Considering claims 9 & 24, see col. 17, lines 10-25.

Considering claims 10-12 & 25-26, see col. 10, lines 44-54.

Considering claims 13 & 27, the claimed step reads on the user being connected to whichever service provider that provides a selected video program, (Fig. 5; col. 16, lines 10-30). LaJoie discloses that the user is enabled to access services from the WWW, specific VOD providers, home shopping networks, still image database services, etc. When the user goes from one service provider to another, inherently the system must at some point break the connection in order to establish connection with other service providers.

Considering claim 14, the claimed feature reads on the lists of channels displayed to the user, as disclosed in LaJoie, (Fig. 16; Fig. 17).

Considering claim 16, the claimed apparatus for presenting an audiovisual signal to a user's display monitor, corresponds with subject matter mentioned above in the rejection of claim 1, and is likewise analyzed. The claim RCS reads on the set top terminal, disclosed in LaJoie, (Fig. 3; col. 14, lines 58-65 & col. 15, lines 1-10).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - A) Legall Teaches user connection to the Internet, in a TV system

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brown M. Reuben whose telephone number is (703) 305-2399. The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600